

# United States Court of Federal Claims

June 25, 2003

No. 98-697 C

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FRANKLIN SAVINGS CORPORATION and  
FRANKLIN SAVINGS ASSOCIATION,

Plaintiffs,

versus

UNITED STATES OF AMERICA,

Defendant.

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Res judicata, collateral  
estoppel, breach of contract,  
breach of fiduciary duty

*R. Pete Smith*, McDowell, Rice, Smith & Garr, Kansas City, Missouri, argued for the plaintiff. *Jonathan A. Margolies* and *Jerry Strouck* of counsel.

*Luke Levasseur*, Commercial Litigation Branch, Civil Division, United States Department of Justice, argued for the defendant.

## ERRATUM

Block, *Judge*

The first sentence of footnote 17 to this court's June 16, 2003 opinion and order currently reads: "the government asserted an additional argument that when the FDIC acts, as it did here, in its corporate capacity, it cannot be considered "the government" for purposes of litigation and therefore could not be sued in this court." For the sake of clarity, the word "corporate" in the quoted sentence should be stricken and the word "receivership" should be inserted instead. The entirety of footnote 17 to the June 16, 2003 opinion should, then read as follows:

"The government asserted an additional argument that when the FDIC acts, as it did here, in its receivership capacity, it cannot be considered "the government" for purposes of litigation and therefore could not be sued in this court. Resolution of this issue, however, is unnecessary since the court finds against Franklin on other grounds."

/s/ Lawrence J. Block

Lawrence J. Block  
Judge